

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA

In re:

Pro-Mark Services, Inc.,

Bky. Case No. 24-30167
Chapter 7

Debtor.

Erik A. Ahlgren, as Chapter 7 Trustee
of the Bankruptcy Estate of Pro-Mark Services, Inc.,
as Administrator of the Pro-Mark
Services, Inc. Employee Stock Ownership Plan, and
as Trustee of the Pro-Mark Services, Inc.
Employee Stock Ownership Trust,

Plaintiff,

v.

Adversary No. 24-07014

Connie Berg, Kyle Berg, Connie Berg Revocable
Living Trust, Kyle R. Berg Revocable Living Trust,
Chad DuBois, Mandy Grant, and Miguel Paredes,

Defendants.

**STIPULATED MOTION TO EXTEND PAGE LIMITS FOR
BERG DEFENDANTS' REPLY BRIEF IN SUPPORT OF MOTION TO DISMISS**

Pursuant to Local Rule 7007-1(D) and (G), Plaintiff and Defendants Connie Berg, Kyle Berg, Connie Berg Revocable Living Trust, and Kyle R. Berg Revocable Living Trust (collectively, the "Berg Defendants") move the Court, by stipulation, for an order extending the page limit for Berg Defendants' to-be-filed reply brief in support of the Berg Defendants' Motion to Dismiss the Amended Complaint (the "Berg Motion to Dismiss") from ten (10) pages to twenty (20) pages total. In support thereof, Plaintiff and Berg Defendants state as follows:

1. Plaintiff Erik A. Ahlgren, as Chapter 7 Trustee of the Bankruptcy Estate of Pro-Mark Services, Inc., as Administrator of the Pro-Mark Services, Inc. Employee Stock Ownership Plan, and as Trustee of the Pro-Mark Services, Inc. Employee Stock Ownership Trust filed his Amended Complaint against the Defendants, including Berg Defendants, on September 25, 2024. [ECF No. 11.]

2. On November 18, 2024, Plaintiff and Berg Defendants filed a stipulated motion to extend the page limit for Berg Defendants' brief in support of the Berg Motion to Dismiss from forty (40) pages to sixty (60) pages. [ECF No. 43.] By order dated November 19, 2024, the Court granted the motion. [ECF No. 44.]

3. On November 22, 2024, Berg Defendants filed the Berg Motion to Dismiss. [ECF No. 54.]

4. On January 10, 2025, Plaintiff and Berg Defendants filed a stipulated motion to extend the page limit for Plaintiff's response brief in opposition to the Berg Motion to Dismiss (the "Response") from forty (40) pages to fifty-five (55) pages. [ECF No. 66.] By order dated January 10, 2025, the Court granted the motion. [ECF No. 68.]

5. On January 10, 2025, Plaintiff filed the Response. [ECF No. 67.]

6. Berg Defendants intend to file a reply brief in support of the Berg Motion to Dismiss on or before February 14, 2025.

7. Pursuant to Local Rule 7007-1(A), a reply brief in support of a dispositive motion filed in an adversary proceeding is limited to ten (10) pages. Plaintiff and Berg Defendants now hereby move the Court, by stipulation, for an order extending the page limit for Berg Defendants' to-be-filed reply brief in support of the Berg Motion to Dismiss from ten (10) pages to twenty (20) pages. Berg Defendants seek this extension so that they may fully address the factual and legal

arguments presented in Plaintiff's Response. Given the length of the Amended Complaint, the number of counts alleged against Berg Defendants, and the Court's prior grant of extensions, Plaintiff and Berg Defendants believe that good cause exists for this requested extension.

Dated: February 11, 2025

/s/ Peter D. Kieselbach

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Date: February 11, 2025

/s/ Jordan E. Chavez

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CERTIFICATE OF SERVICE

The undersigned certifies that on February 11, 2025, the above document was served on all counsel of record via CM/ECF.

/s/ Jordan E. Chavez

Jordan E. Chavez